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Sri Lanka

Country:

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Year:

2016

Press Freedom Status:

NF

PFS Score:

64

Legal Environment:

19

Political Environment:

26

Economic Environment:

19

Overview

Media freedom in Sri Lanka, though still limited, improved sharply after the January 2015 election of President Maithripala Sirisena, whose policies toward the press were markedly less restrictive than those of his predecessor, Mahinda Rajapaksa.

Key Developments

- A constitutional amendment promulgated in May guaranteed the right to access information, but proposed legislation on the issue had yet to win passage at year's end.
- The government granted access to many news sites that had been blocked under the previous administration, including the diaspora-based outlet TamilNet, which had been obstructed since 2007.
- Authorities renewed investigations into past crimes against journalists, detaining nearly a dozen suspects in the 2010 disappearance of political reporter Prageeth Ekneligoda.

Legal Environment: 19 / 30 (↑4)

The newly elected Sirisena administration presided over a notable reduction in hostile government rhetoric toward the media, renewed investigations into past murders of journalists, and a drop-off in prosecutions of media figures for their work during 2015, all of which improved the legal environment. Nevertheless, the laws themselves remained largely unchanged, and the government made some attempts to introduce new legal or regulatory restrictions.

The constitution provides for freedom of expression, but it and other laws and regulations place significant limits on the exercise of this right. The 1979 Prevention of Terrorism Act (PTA) contains extremely broad restrictions, such as a prohibition on bringing the government into contempt. The decades-old Official Secrets Act bans reporting on classified information, and those convicted of violating its provisions can be sentenced to up to 14 years in prison. Although no journalists have been charged under the law, it has been used as a threat in the past.

In December 2015, the government proposed amendments to the penal code and criminal procedure code with the aim of banning hate speech that could cause communal disharmony. Although the move came in response to violence by hard-line Buddhist groups, civil society organizations and political parties representing the Tamil ethnic minority raised objections, noting that similar restrictions in the PTA had been used against minorities in the past. The government subsequently postponed any action on the proposals.

Criminal defamation laws were repealed in 2003, but government officials and political figures continue to bring civil cases, sometimes involving excessively large fines, against press outlets. Journalists are occasionally threatened with contempt-of-court charges or questioned regarding their sources. In April 2015, a freelance journalist working for the Tamil-language daily *Uthayan* was arrested in response to an article on an alleged police assault against a girl in Jaffna; police had denied the veracity of the story. The journalist, N. Logathayalan, was released on bail, and the exact charge against him was not immediately clear.

The 19th Amendment to Sri Lanka's constitution, promulgated in May 2015, included a number of elements that were expected to reduce executive influence over the judiciary, potentially improving the courts' protection of journalists' rights. For example, it called for the reestablishment of an independent commission to oversee judicial appointments.

The 19th Amendment also introduced a new measure, Article 14A, that guarantees citizens' right to access information. Until the amendment's passage, there had been no right to information in the constitution or in separate legislation. In fact, the Establishments Code, the formal administrative code governing civil servants, actively discourages access to information even on public-interest grounds. In December 2015, after sustained lobbying by civil society groups, the cabinet approved a right to information bill with a strong public-interest provision to implement the constitutional guarantee. It was set to be considered by Parliament in 2016.

The 1973 Press Council Act prohibits disclosure of certain fiscal, defense, and security information and establishes a regulatory body to enforce those and other restrictions

through penalties that can include imprisonment. Although President Sirisena dissolved the Press Council soon after his election, he reportedly appointed new members in July, drawing vocal objections from media representatives. Press freedom activists called for the repeal of the 1973 law and an expansion of the self-regulatory Press Complaints Commission of Sri Lanka, which upholds a code of professional practice in print and online media, to cover broadcast media as well.

The broadcasting authority is not independent, and licensing decisions have sometimes appeared arbitrary and politically influenced. Both news websites—which have been required to register with the government since 2011—and broadcast stations often encountered difficulty obtaining licenses and registration under the Rajapaksa administration. Media freedom groups called in 2015 for the creation of an independent broadcast regulator to manage licensing and frequency allocation in the public interest.

Under Rajapaksa, local press freedom advocacy groups, such as the Free Media Movement and the Sri Lanka Journalists' Association, faced smear campaigns in state-controlled media and physical intimidation or harassment by both official and nonstate actors. These practices subsided considerably in 2015. State authorities have also reportedly conducted surveillance on the personal communications and activities of individuals, including journalists, known to be critical of the government or who report on sensitive topics. Such surveillance apparently continued in 2015, particularly in the north and east.

Political Environment: 26 / 40 (↑7)

Political pressure on media outlets eased after Sirisena's election, though many private outlets remained politically polarized, and some officials continued to use confrontational rhetoric. In February, Prime Minister Ranil Wickremesinghe accused a number of Sinhala-language newspapers of inciting communal disharmony and taking payments from Rajapaksa, and called on the public to protest at the offices of any outlets that failed to heed his warnings and change their coverage.

While state media were seen as less blatantly partisan after the election, proposals to convert state-controlled broadcasters and print outlets into editorially independent institutions with a public-service mission were not implemented during 2015.

Censorship in the form of website blocking was rolled back under the new administration, and access was restored for many news sites that had previously been obstructed. These included outlets run by the Tamil diaspora, such as TamilNet, which had been blocked since 2007. The online newspaper *Colombo Telegraph*, which had been blocked several times through 2014, also became accessible, though some of its pages reportedly faced subtle forms of technical interference later in the year. Observers reported a general reduction in self-censorship as well, with more journalists and online writers examining sensitive topics related to the civil conflict that ended in 2009.

Freedom of movement for journalists, including foreign journalists, improved somewhat during the year. In January, the Ministry of Defence lifted travel restrictions for foreign passport holders seeking entry to the former conflict area in the north.

A coalition of local and international nongovernmental organizations reported in May that physical threats and intimidation aimed at the media had diminished since the change in government. However, the assessment mission noted that journalists in Tamil regions continued to experience insecurity, and the Free Media Movement cited a number of incidents in which journalists were physically obstructed or assaulted while attempting to cover local government affairs. In a separate incident in July, a photojournalist from the Sinhala newspaper *Lankadeepa* was temporarily detained at a political party rally by a group of people claiming to be Rajapaksa bodyguards.

Authorities reopened investigations into past killings or disappearances of journalists during 2015. Police detained at least 11 suspects in the case of Prageeth Ekneligoda, a political reporter for *Lanka eNews* who disappeared in early 2010. Investigators alleged that the journalist was abducted and killed by military officers and that his body was later dumped at sea. There was also some progress in the case of *Sunday Leader* editor Lasantha Wickrematunge, who was assassinated in 2009. A former inspector general of police was questioned about the disappearance of the editor's notebook, which allegedly contained information that could help identify his killers. Many other cases of violence against journalists remained unsolved.

Economic Environment: 19 / 30 (↑1)

The government owns Sri Lanka's largest newspaper chain, two major television stations, and a radio station, and all have a history of strong progovernment bias. In recent years, private media ownership has grown more concentrated, with many outlets now held by politicians or their close associates. Business and political interests also exercise some control over media content through selective advertising and bribery; the government's share of the advertising market expanded under Rajapaksa. Critical news outlets have faced difficulties in attracting private advertising or loans from the major state-owned banks. Print media in general have experienced economic strains. In October 2015, the *Nation* newspaper, known for its progovernment stance, had to shut its doors for two weeks due to apparent financial problems, though it reopened under new editorial leadership.

The new administration reportedly eased political pressure on media production and distribution. Opposition-oriented print media had occasionally faced problems with printing and circulation. The *Uthayan* newspaper in particular has suffered a number of attacks on its production and distribution facilities in the past several years. Moreover, while the government has built a new transmission tower in the north of the country, it has blocked some private stations from using the tower and has also restricted the construction of towers by private companies.

Internet penetration continues to grow, reaching 30 percent of the population in 2015. The expansion of access to mobile internet connections has been an important factor in increasing overall penetration. There were some 113 mobile phones for every 100 residents in Sri Lanka in 2015. According to a media consumption and perceptions survey in Western Province conducted by the Centre for Policy Alternatives (CPA) in mid-2015, private television was still a top source for news, but it was closely followed by Facebook and the internet in general. Facebook was the top news source for those in the 18–24 age

category. As many as 60.4 percent of respondents said their online consumption would increase if they could afford to pay for more data usage. More than three-quarters said their smartphone was the primary device they used to access the internet.

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